

Message Text

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PAGE 01 PARIS 01855 221716Z

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ACTION SCSE-00

INFO OCT-01 ISO-00 PASS-00 SSO-00 /001 W

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 6076

UNCLAS PARIS 01855

E.O. 11652: N/A

TAGS: CGEN (TURKISH AIRLINES CRASH)

SUBJECT: LETTERS ROGATORY ON TURKISH AIRLINES CRASH

REF: STATE 14350

FOR: JUDGE PEIRSON M. HALL

UNITED STATES DISTRICT JUDGE

U.S. COURT HOUSE

LOS ANGELES, CALIFORNIA 90012

1. THE DEPARTMENT OF STATE HAS INFORMED THE EMBASSY OF YOUR NEED FOR URGENT RESPONSE TO LETTERS ROGATORY ISSUED OCTOBER 15 IN CASE OF PARIS AIR CRASH (MDL DOCKET 172, NO. CV 74-698-PH). LETTERS REQUESTED APPROPRIATE FRENCH AUTHORITIES TO AUTHORIZE PERSONS DESIGNATED BY YOUR COURT TO INSPECT AIRCRAFT WRECKAGE, LOGS, DOCUMENTS, AND OTHER EVIDENCE RELATED TO AIR CRASH. THIS CREATES PROBLEM HERE BECAUSE FRENCH INVESTIGATION INTO CAUSE OF AIR CRASH IS STILL IN PROGRESS. FRENCH GOVERNMENT IS CONDUCTING TWO PARALLEL INVESTIGATIONS INTO AIR CRASH: (1) TECHNICAL INVESTIGATION TO DETERMINE CAUSE OF CRASH AND (2) JUDICIAL INQUIRY TO DETERMINE BASIS FOR POSSIBLE PENAL ACTION. COMPLETION OF JUDICIAL INQUIRY WILL AWAIT FINAL REPORT OF TECHNICAL INVESTIGATION, WHICH WILL NOT BE COMPLETED FOR AT LEAST THREE MONTHS, AND PROBABLY MORE.

2 UNDER FRENCH REGULATIONS, WHILE FRENCH GOVERNMENT INVESTIGATION INTO AIR CRASH IS UNDER WAY, NO PERSONS

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NOT OFFICIALLY INVOLVED IN THAT INVESTIGATION CAN BE

ALLOWED ACCESS TO THE EVIDENCE. IT MAY BE POSSIBLE
IN SOME CASES TO OBTAIN AN EXCEPTION TO THIS RULE FROM
THE EXAMINING MAGISTRATE IN CHARGE OF THE INVESTIGATION,
ALTHOUGH WE BELIEVE SUCH AN EXCEPTION MAY BE DIFFICULT
TO OBTAIN IN THIS CASE. IN VIEW OF THE URGENCY OF
YOUR INTEREST, HOWEVER, WE ARE TRANSMITTING THROUGH
MINISTRY OF FOREIGN AFFAIRS YOUR REQUEST THAT SPECI-
FICALLY DESIGNATED REPRESENTATIVES OF PARTIES TO CIVIL
SUIT BE ALLOWED TO INSPECT THE AIRCRAFT WRECKAGE AND
OTHER EVIDENCE NOW BEING HELD FOR THE PURPOSES OF THE
FRENCH INQUIRY. WE HAVE NO ASSURANCE THAT OUR REQUEST
WILL BE GRANTED, BUT WILL INFORM YOU OF THE RESPONSE
AS SOON AS RECEIVED.

3. UNTIL WE RECEIVE REPLY OF FRENCH GOVERNMENT TO OUR
REQUEST FOR EXCEPTIONAL PROCEDURE, WE BELIEVE IT WOULD
BE FUTILE, AND PERHAPS COUNTERPRODUCTIVE, FOR ATTORNEYS
FOR PLAINTIFFS TO COME TO PARIS TO ENDEAVOR PURSUE
MATTER DIRECTLY WITH FRENCH AUTHORITIES.

AMERICAN EMBASSY

PARIS, FRANCE

RUSH

NOTE BY OC/T: PASSED ABOVE ADDRESSEE

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Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
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Drafter: n/a
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